

Appln No. 10/800,276  
Amdt date January 3, 2006  
Reply to Office action of October 3, 2005

### **REMARKS/ARGUMENTS**

Claims 1, 2, 11 and 14-16 are rejected. Claim 12 is allowed. Claims 3-9 and 26 are objected to for being based on a rejected base claim, but otherwise allowable if rewritten in independent form. Applicant has amended claims 1 and 11. Applicant has also added claim 27. Therefore, claim 1-9, 11, 12, 14-16, 26 and 27 are pending in the present application.

Claims 1, 2 and 11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Svendsen (U.S. 1,735,660) in view of Blanchard (U.S. 6,267,632). Applicant has amended claims 1 and 11 to recite that the upper driveshaft is substantially parallel with the engine driveshaft. In contrast, neither Svendsen nor Blanchard discloses or even suggests an upper driveshaft being substantially parallel with the engine driveshaft.

Svendsen is directed to a propeller mounting for a boat. In FIGS. 1-7, Svendsen discloses only one drive shaft 16 that connects the engine 4 to the vertical shaft 29 inside the stern drive. Referring to FIGS. 8 and 9, Svendsen discloses two motors 78 that drive a drive shaft 16 with gears 82 and 83. However, because the motors 78 are mounted laterally opposed in the hull, the crank shafts 81 of the motors 78 are perpendicular to the drive shaft 16. Therefore, Svendsen fails to disclose or even suggest an upper driveshaft being substantially parallel with the engine driveshaft as recited in claims 1 and 11.

Blanchard is directed to a water jet propulsion system. Blanchard discloses an engine drive shaft 28 that drives the vertical shaft 40 of the stern drive with gears 30, 32, 36 and 38. Blanchard also discloses at column 2, lines 31-39, that the drive shaft 28 of the engine 8 is above the waterline. However, Blanchard does not disclose or even suggest an upper drive shaft in addition to an engine drive shaft as recited in claims 1 and 11. The only drive shaft that connects the engine 8 to the vertical shaft 40 is the engine drive shaft 28. Therefore, Blanchard fails to disclose or even suggest an upper driveshaft being substantially parallel with the engine drive shaft as recited in claims 1 and 11.

Because Svendsen and Blanchard, whether taken individually or in combination, fail to disclose or even suggest an upper driveshaft being substantially parallel with the engine

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driveshaft, Applicant submits that claims 1 and 11 are patentable over Svendsen in view of Blanchard. Therefore, Applicant respectfully requests allowance of claims 1, 2, 11 and 14-16.

Applicant has added claim 27, which recites that the engine drive shaft is disposed below the predetermined waterline, and that the upper driveshaft passes through the transom and enters the stern drive above the predetermined waterline. In contrast, neither Svendsen nor Blanchard discloses or even suggests that the engine drive shaft is disposed below the predetermined waterline, and that the upper driveshaft passes through the transom and enters the stern drive above the predetermined waterline.

In FIGS. 1-7, Svendsen discloses only one drive shaft 16 that connects the engine 4 to the vertical shaft 29 inside the transom. In FIGS. 8 and 9, Svendsen discloses two crankshafts 81 that drive a single drive shaft 16 with gears 82 and 83. As acknowledged in the Office action, however, Svendsen is silent as to the position of the drive shaft 16 relative to a waterline. Therefore, Svendsen fails to disclose or even suggest both an engine drive shaft that is disposed below the predetermined waterline as recited in claim 27, and an upper driveshaft that passes through the transom and enters the stern drive above the predetermined waterline as recited in claim 27.

Blanchard discloses at column 2, lines 31-39, that the drive shaft 28 of the engine 8 is above the waterline. However, the drive shaft 28 of Blanchard is the engine drive shaft. Accordingly, Svendsen does not disclose or even suggest an engine drive shaft in addition to the drive shaft 28, that is disposed below a predetermined waterline. Therefore, Blanchard does not disclose or even suggest both an engine drive shaft that is disposed below the predetermined waterline as recited in claim 27, and an upper driveshaft that passes through the transom and enters the stern drive above the predetermined waterline as recited in claim 27.

Because Svendsen and Blanchard, whether taken individually or in combination, fail to disclose or even suggest both an engine drive shaft disposed below the predetermined waterline as recited in claim 27, and an upper driveshaft that passes through the transom and enters the stern drive above the predetermined waterline as recited in claim 27, claim 27 is patentable over

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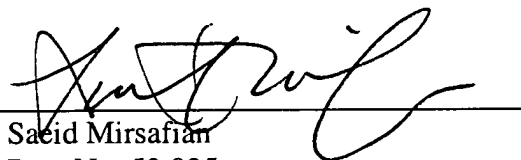
Svendsen in view of Blanchard. Therefore, Applicant respectfully requests allowance of claim 27.

In view of the foregoing, Applicant respectfully requests a timely indication of allowance. Should there be any further issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



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